

Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 W

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 6568

C O N F I D E N T I A L SAN JOSE 01138

EXDIS

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: EXTRADITION BILL

REF: 1) SAN JOSE 1098; W) STATE 58359

1. PURSUANT TO REF 1, THIS MORNING MARCH 22 I REQUESTED AN APPOINTMENT WITH SOLORZANO FOR TOMORROW OR MONDAY, BUT IN ANY CASE PRIOR TO FINAL GOCR ACTION ON THIS BILL. RESPONSE WAS INVITATION TO COME IN AT 5 P.M. TODAY, INVITATION WHICH WAS ADVANCED TO 4 P.M. AT LAST MINUTE. I THEREFORE DID NOT HAVE THE BENEFIT OF REF 2 BEFORE MY MEETING, BUT FORTUNATELY DESK OFFICER SULLIVAN HAD BEEN ABLE TO GIVE ME ESSENCE BY TELEPHONE EARLIER.

2. MY APPROACH TO SOLORZANO COVERED ALL POINTS OUTLINED IN PARA 1 REF 1, BUT WAS SOMEWHAT OVERTAKEN BY FACT THAT SOLORZANO HANDED ME ON ARRIVAL A DETAILED 5-PAGE INFORMAL MEMORANDUM RESPONDING TO ALL POINTS I HAD MADE IN MY DEMARCHE TO PRESIDENT FIGUERES (SAN JOSE 1075). I HAVE LOOKED OVER THIS MEMORANDUM IN ONLY CURSORY MANNER, BUT CAN REPORT THAT IT REJECTS ALL OF OUR POINTS AND CONCERNS. SPECIFICALLY IT POSITS ABSOLUTE SUPREMACY OF BILATERAL EXTRADITION TREATY OVER ORDINARY LEGISLATION, DENIES THAT THE BILL IS IN ANY SPECIAL WAY DESIGNED TO PROTECT VESCO, AND MAINTAINS THAT BOTH COSTA RICAN POLICY AND LAW GUARANTEE FULL GOCR COOPERATION IN INTERNATIONAL HIGHJACKING AND NAR-

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COTICS MATTERS. COPIES OF MEMORANDUM WILL BE IN CLASSIFIED

POUCH TOMORROW TO ARA/CEN.

3. I URGED THAT GOCR FURTHER CONSIDER OUR CONCERNS PRIOR TO TAKING FINAL ACTION ON BILL, BUT SOLORZANO GAVE ME NO SATISFACTION. IT IS CLEAR TO ME THAT BILL WILL BE SIGNED VERY SHORTLY, PROBABLY THIS WEEKEND.

4. IN ABSENCE OF REF2, I COULD NOT BE AS EXPLICIT AS DESIRED IN FORESHADOWING CONTENT OF A FUTURE NOTE FROM US, BUT I DID TELL SOLORZANO THAT WE MIGHT WELL HAVE FINAL COMMENTS AND RESERVATIONS ABOUT THE BILL TO EXPRESS IN A FORMAL COMMUNICATION SHOULD IT BE FINALLY ENACTED INTO LAW.

5. WHEN I PUT THE QUESTION SQUARELY TO HIM WHETHER THE GOCR HAD ANY PLANS TO DENOUNCE OUR PRESENT EXTRADITION TREATY, SOLORZANO REPLIED THAT THEY DO NOT TO THE BEST OF HIS KNOWLEDGE. GIVEN THE GREAT EMPHASIS PLACED ON THE SANCTITY OF THE TREATY IN THEIR MEMORANDUM, I NOW THINK IT UNLIKELY THAT THEY WILL DENOUNCE THE TREATY. RATHER, AFTER FURTHER CONSULTATIONS WITH CASTILLO, WHICH WILL BE REPORTED SEPARATELY, I NOW BELIEVE THAT THE FIGUERES ADMINISTRATION IS CONFIDENT THAT FUTURE JUDICIAL INTERPRETATIONS OF THE TREATY TAKING INTO ACCOUNT THE QTE PROCEDURAL UNQTE PROVISIONS OF THE LAW WILL EFFECTIVELY PROTECT ROBERT VESCO.

6. SOLORZANO COULD GIVE ME NO SATISFACTION ON THE QUESTIONS POSED IN STATE 55653. NEITHER COULD CASTILLO REALLY, SINCE EVERYTHING DEPENDS UPON FUTURE JUDICIAL INTERPRETATION.
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